IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

Bail Appl..No. 5047 of 2007()

[CRIME NO.294/07 OF THE KILIKOLLOOR POLICE STATION]

PETITIONER/ACCUSED

SUNU, S/O.KAMALUDDIEN, SUNU MANZIL,
THEKKUMBHAGAM P.O., PARAVOOR, KOLLAM.
(ACCUSED NO.1)

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED THE
SUB INSPECTOR OF POLICE, KILIKOLLOOR POLICE
STATION THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5047 of 2007

Dated this the 20th day of August 2007

O R D E R

Application for anticipatory bail. The petitioner is the husband of the de facto complainant. Marriage took place on 02/04/2000. Spouses are blessed with a child, aged six years now. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. There is strain in the matrimonial relationship. The wife is hence making wild, reckless and exaggerated allegations against the petitioner. The fact that she makes allegations of sexual perversity during pregnancy at this point of time when the child is aged six years, must itself reveal to this court the want of bona fides, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the said prayer. The learned Public Prosecutor only prays that appropriate and strict conditions may be imposed in the interests

of a fair and expeditious investigation. I am satisfied that anticipatory bail can be granted to the petitioner. In coming to this conclusion, I have taken note of all the circumstances including the reality that arrest and incarceration of the petitioner in custody is likely to mar all possibilities of reconciliation and settlement of the matrimonial dispute. Appropriate conditions can, of course, be imposed.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 30/8/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 31/08/2007 and 01/09/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period

of two months and subsequently as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 30/08/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 30/08/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007